

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
CRISTIAN SANCHEZ,

Plaintiff,

-against-

MIMA USA LLC,

Defendant.  
-----X

22-CV-4912 (VSB)

**ORDER**VERNON S. BRODERICK, United States District Judge:

Plaintiff filed this action on June 11, 2022, (Doc. 1), and filed an affidavit of service on July 26, 2022, (Doc. 5). The deadline for Defendant to respond to Plaintiff's complaint was August 1, 2022. (*See* Doc. 5.) On August 2, 2022, I ordered that if Plaintiff intended to seek a default judgment, Plaintiff should do so by no later than August 9, 2022. (Doc. 6.) I warned, "If Plaintiff fails to do so or otherwise demonstrate that he intends to prosecute this litigation, I may dismiss this case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b)." (*Id.*)

On August 3, 2022, Plaintiff filed a letter requesting 21 days to file an amended complaint. (Doc. 7.) Plaintiff said that Plaintiff's counsel had been in contact with Defendant and "determined after several discussions with Defendant that the website named in the Complaint is owned by a separate entity that was not originally named in the Complaint." (*Id.*) Plaintiff provided no legal authority for his request. (*See id.*) I denied Plaintiff's request to amend without prejudice to renewal. (Doc. 8.) I told Plaintiff, "Plaintiff is not entitled to an amendment as of right pursuant to Rule 15(a)(1). If Plaintiff wishes to file an amended complaint, Plaintiff should provide legal authority why I should grant leave to amend pursuant to

Rule 15(a)(2).” (*Id.*) I also advised Plaintiff that my order of August 2, 2022 directing Plaintiff to seek default by August 9, 2022 remained in effect. (*Id.*)

To date, Defendant has not appeared or responded to the complaint. Plaintiff, however, has not sought default judgment, filed a renewed request for leave to amend pursuant to Rule 15(a)(2), or taken any other action to prosecute this case.

Accordingly, this action is dismissed without prejudice pursuant to Rule 41(b). The Clerk of Court is respectfully directed to terminate this action.

SO ORDERED.

Dated: August 10, 2022  
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first letter "V" is large and prominent. The signature is positioned above the printed name and title.

VERNON S. BRODERICK  
United States District Judge